



NEWS RELEASE

Administrative Office of the U.S. Courts

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More Judges Needed to Clear Caseload Logjam in Border Courts

Additional U.S. district court judges are needed to cope with the massive increase in federal drug and immigration prosecutions on the southwest border, a federal judge told a House subcommittee today.

"The Border Courts are beyond their capacity to handle their caseloads," Judge Royal Furgeson, a U.S. district judge for the Western District of Texas, told the House Judiciary Subcommittee on Crime. "Washington cannot increase the crackdown on illegal drugs and immigration along the southwest border without more judges to allow these cases to be prosecuted."

The five federal district border courts of the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas, now handle 27 percent of all federal court criminal filings in the U.S. The other 73 percent of federal criminal filings are divided among 89 other district courts. Drug prosecutions in the border courts more than doubled between 1994 and 2000, from 2,864 to 6,116, and immigration prosecutions increased more than seven-fold from 1,056 to 7,613.

Unfortunately, in contrast to the caseload, judicial resources have fallen behind—even as prosecutorial resources have expanded. Between 1994 and 1998, DEA personnel in the border courts surged 155 percent; Border Patrol personnel, 99 percent; INS personnel, 93 percent; and FBI personnel 37 percent. By contrast, the federal judicial officer resources in these five districts increased only 4 percent, with probation and pretrial resources increasing 19 percent.

"The average criminal caseload per district judge in the Border Courts is more than quadruple the average for the rest of the nation," Judge Furgeson said. "We have, in short, reached our limits to how many criminal cases can be prosecuted in the five Border Courts with the current number of authorized federal judgeships. We are desperately outmanned and underfunded."

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One result, according to Judge Furgeson, is the drastically restricted number of cases that can be prosecuted. Of the 1.6 million apprehensions along the border last year, less than 1 percent were prosecuted and Judge Furgeson cited the reasons why: the Department of Justice does not have enough prosecutors to prosecute all who enter illegally, the U.S. courts do not have enough judges to handle the ensuing cases, and the Bureau of Prisons does not have enough prison space to imprison those convicted.

It is the goal of the federal courts to process all criminal cases in a fair, just and expeditious manner, according to the Constitution and the Rule of Law, said Judge Furgeson. This goal is increasingly difficult to achieve on the border, because of the sheer volume of filings. For example, while the national average of weighted filings in the U.S. per federal judgeship is 479, the weighted filings for Southern California are 978; for Arizona, 643, for New Mexico, 801; for Western Texas, 864; and for Southern Texas, 613.

The Judicial Conference of the United States has recommended the addition of 9 permanent and 9 temporary judgeships in the border courts to meet the challenges posed by successful law enforcement efforts along the border. The recommended judgeships are included within the total 54 judgeships the Judicial Conference has recommended Congress create to address the needs of the federal courts. The new border courts judgeships would be a combination of permanent and temporary judgeships, in the very unlikely event, said Judge Furgeson, that caseloads would decrease over time.

However it seems safe to predict that the problems on the border with narcotics trafficking and alien smuggling will not go away anytime soon," Judge Furgeson testified. "Accordingly, it also seems safe to predict that court dockets on the border will not decrease.

<u>District</u>	<u>Current Authorized Judgeships</u>	<u>Judicial Conference Judgeship Recommendations*</u>	
		<u>Permanent</u>	<u>Temporary**</u>
Arizona	12	0	4
S. California	8	5	3
New Mexico	6	1	1
Southern Texas	19	1	0
Western Texas	11	2	1

* The Judicial Conference has asked the 107th Congress to create six permanent judgeships and four temporary judgeships in the courts of appeals, and add 23 additional permanent judgeships and 21 temporary judgeships in the district courts. For more information on Judicial Conference judgeship recommendations go to the Judiciary's website at www.uscourts.gov.

** Temporary Judgeships are positions created for a minimum time period, but where the first judicial vacancy occurring after that time period is not filled.